



## CT Against Gun Violence

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**Testimony to the Judiciary Committee  
Ron Pinciario, Executive Director**

**March 16, 2009**

In SUPPORT Of SB 353 - An Act Concerning The Microstamping Of Semiautomatic Pistols.

Good afternoon. I am Ron Pinciario, Executive Director of CT Against Gun Violence.

I am speaking to you today in support of SB 353 requiring the microstamping of firearms because microstamping is an important tool that will help law enforcement solve gun crime. In fact, because of their recognition of microstamping as a useful law enforcement tool, the International Association of Chiefs of Police (IACP) has endorsed the microstamping technology. A copy of the IACP resolution is appended to this document.

Law enforcement agencies are in critical need of additional investigative tools. In 2007, 26 Hartford residents were murdered by guns. By December 31, only 6 arrests had been made in those cases, leaving 77 percent unsolved. The numbers are similar for our other large cities: In Bridgeport, 69 percent of the gun homicides had not resulted in an arrest by the end of the year. And in New Haven, no arrests had been made in 85 percent of homicides and non-fatal shootings. In the first six weeks of this year, ten shootings have gone unsolved where police might have been able to identify the gun if the microstamping technology had been applied. A list of those shootings is attached here.

Nationally, the clearance rate for homicide cases was approximately 60% in 2005 and over 3,000 gun homicide cases went unsolved. In approximately half of gun homicide investigations a spent cartridge casing, but not a firearm, is recovered at the crime scene

Microstamping technology uses a laser imprinted microscopic array of characters that identify the pistol, etched or otherwise imprinted in two or more places on the interior surface or internal working parts of the pistol, and that are transferred by imprinting on each cartridge case when the pistol and revolver is fired.

In many cases, the only evidence at the crime scene is a spent cartridge case, especially in drive-by type shootings. But today, that cartridge can only be tied to the specific gun that shot it if the gun itself is found. When microstamping is incorporated into semiautomatic pistols, it will allow police to positively link used cartridge cases recovered at crime scenes to the exact guns that fired them, without having the gun in their possession. Law enforcement would be able to identify the first known purchaser of a weapon used in a crime, a critical early lead.



In addition to its value as an investigative tool for law enforcement, the technology could be a deterrent to the illegal gun trafficking that allows children and criminals such easy access to guns. All guns start with a legal sale from a licensed dealer. Yet in Connecticut, more than 85 percent of gun crimes are committed by people who cannot legally purchase guns. So where do they get the gun?

Tracing data from the Bureau of Alcohol, Tobacco, Firearms, and Explosives indicates that, when a source state could be identified, 67 percent of the firearms traced and recovered in Connecticut were first purchased legally right in the state<sup>1</sup>. Often this is through a straw purchase, when a person who is legally qualified to buy guns purchases them from a dealer and then sells them to prohibited users. Microstamping will help deter this chain of trafficking, because straw purchasers will be less likely to act in this capacity if they believe a gun can quickly and easily be traced back to them after being used in a crime.

Microstamping technology is already required for new semiautomatic pistols sold in California starting after January 1, 2010. Manufacturers already have to incorporate the technology into their manufacturing process to sell guns into that important market. The District of Columbia has also passed a microstamping bill and one is also being considered by the State of New York. The bill has passed in the House and is now being considered by the Senate in New York. Details of the New York bill are attached.

We urge the Judiciary Committee to support SB 353. None of the provisions in this bill will interfere with the rights of law-abiding citizens to own as many guns as they choose. But they will provide law enforcement with important and necessary tools to help identify and arrest those who use guns in ways that are so harmful to our communities.

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<sup>1</sup>ATF Connecticut, Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives, Office of Strategic Intelligence and Information, Data Source: Firearms Tracing System, 2006

<sup>2</sup><http://gov.ca.gov/pdf/press/2007bills/AB%201471%20Signing%20Message.pdf>.

<sup>3</sup> ATF Connecticut, Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives, Office of Strategic Intelligence and Information, Data Source: Firearms Tracing System, 2006



# *INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE*

# RESOLUTION

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Adopted at the 115<sup>th</sup> Annual Conference  
San Diego, CA  
November 11, 2008

## **SUPPORT OF THE USE OF MICROSTAMPING TECHNOLOGY**

*Submitted by the Firearms Committee*

FC.026.a08

**WHEREAS**, reducing the prevalence of gun crime and gun related homicides in the United States and around the world is a priority of law enforcement; and

**WHEREAS**, each year many incidents of crime, including homicides, go unsolved due to a lack of evidence in the case; and

**WHEREAS**, law enforcement agencies are in critical need of additional investigative tools and technologies that would provide accurate and timely intelligence and further leads in investigations of gun crime and give substantial investigatory links; and

**WHEREAS**, in a large number of violent incidents involving firearms, shell casings are left at crime scenes and law enforcement agencies have no way of identifying these casings; and

**WHEREAS**, microstamping technology would give each firearm the ability to stamp that weapon's uniquely assigned and identifiable serial number and/or distinctive markings on cartridge casings by way of the firing pin; and

**WHEREAS**, this technology would be used to help law enforcement identify the first known purchaser of a weapon used in crime, therefore providing leads that would allow for substantial evidentiary information that will help identify, apprehend and arrest criminals; and

**WHEREAS**, microstamping technology has proven to be an inexpensive, yet effective way to mark and identify firearm shell casings; therefore be it

**RESOLVED** that the International Association of Chiefs of Police, duly assembled at its 115<sup>th</sup> Annual Conference in San Diego, California recommends that all firearms produced or sold be fitted with microstamping technology so that law enforcement can further criminal investigations and enhance public safety; and be it further

**RESOLVED** that the IACP calls on all governments to enact legislation that will allow for the implementation of microstamping technology.

The following are news stories from the past month and a half where shootings occurred but no immediate arrests were made. If microstamping was already included in the manufacturing process the police would have most likely been able to identify the gun used in the following crimes:

*Bridgeport*, Two shootings that may be related, one seriously wounded a 20-year-old man. (1/13/2009)

*Hartford*, Shots fired during a home invasion. No one was hit by gunfire. (1/13/2009)

*Fair Haven*, Double shooting, woman grazed by bullet, man shot in foot. (1/20/2009)

*New Haven*, Gun shots heard, shell casing found by side of home. (1/20/2009)

*New Haven*, Man in his early 20s was shot multiple times. Shooter gunned down victim from a vehicle which fled the scene. Victim died at hospital. (1/24/2009)

*Fair Haven*, Man shot through his front window, seriously wounded. Victim was not intended target of gunfire. There was a dispute outside his house where a man pulled out a gun and started shooting. (1/30/2009)

*Hartford*, Shot fired near Learning Corridor, no one was injured. (2/10/2009)

*Hartford*, Man shot numerous times in his leg. Injuries were not life-threatening., (2/12/2009)

*Hartford*, Man shot in arm and chest during holdup. He is expected to survive. (2/13/2009)

*New Haven*, New Haven's 4th homicide victim of year had history of gun violence, both as shooter and victim. (2/21/2009)

6468

2009-2010 Regular Sessions

I N   A S S E M B L Y

March 4, 2009

Introduced by M. of A. SCHIMEL, ENGLEBRIGHT, EDDINGTON, PAULIN,  
BENEDET-  
TO, DINOWITZ, LANCMAN, HOYT, CLARK, BOYLAND, JAFFEE, KELLNER,  
CARROZ-  
ZA, BROOK-KRASNY, ROSENTHAL, O'DONNELL, ALESSI, ESPAILLAT,  
LAVINE,  
KAVANAGH, LIFTON, AUBRY, GREENE, ALFANO -- Multi-Sponsored by --  
M... of  
A. BING, COLTON, COOK, DIAZ, GLICK, GOTTFRIED, HEASTIE,  
HOOPER,  
JACOBS, JEFFRIES, MAISEL, McENENY, McKEVITT, PEOPLES, PHEFFER,  
ROBIN-  
SON, SALADINO, SCARBOROUGH, WEISENBERG -- read once and  
referred to  
the Committee on Codes

AN ACT to amend the penal law, in relation to requiring  
semiautomatic  
pistols manufactured or delivered to any licensed dealer in this  
state  
to be capable of microstamping ammunition

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND  
ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Short title. This act shall be known and may be  
cited as  
2     the "crime gun identification act of 2009".  
3     S 2. Legislative findings and intent. The legislature finds  
that in  
4     2005, the national clearance rate for homicide cases was  
approximately  
5     60% and over 3,000 gun homicide cases went unsolved; that in  
approx-  
6     imately half of gun homicide investigations a spent cartridge  
casing, but  
7     not a firearm, is recovered at the crime scene; that currently  
deployed  
8     national ballistic identification systems cannot identify the

serial

9 number of a gun unless the gun itself has been recovered; that  
firearm

10 microstamping is an evolutionary forensic technology that  
produces an

11 identifiable alpha-numeric and geometric code onto the rear of  
the

12 cartridge casing each time a semiautomatic pistol is fired;  
that the

13 alpha-numeric and geometric code on an expended cartridge casing  
will

14 provide an initial lead for law enforcement by enabling law  
enforcement

15 to match the cartridge casing found at a crime to the original  
owner of

16 the firearm; that information from completed crime gun tracing  
is an

17 important element utilized by COMPSTAT and other crime analysis  
systems

18 to target illegal firearms trafficking; that microstamping  
technology

EXPLANATION--Matter in ITALICS (underscored) is new; matter in  
brackets

[ ] is old law to be omitted.

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A. 6468

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1 continues to produce identifiable markings onto expended  
cartridge

2 casings even after thousands of rounds of testing; that this  
additional

3 tool will help law enforcement investigate illegal gun  
trafficking,

4 close firearm-related criminal cases and protect the public; and  
that

5 legislative action is necessary to require all new semiautomatic  
pistols

6 manufactured or sold after January 1, 2011 to be microstamp-ready.

7 S 3. Section 265.00 of the penal law is amended by adding four  
new

8 subdivisions 24, 25, 26 and 27 to read as follows:

9 24. "FIREARMS DEALER" SHALL MEAN A PERSON OR ORGANIZATION  
POSSESSING A

10 DEALER'S LICENSE TO SELL FIREARMS AT WHOLESALE OR AT RETAIL  
ISSUED

11 PURSUANT TO THE PROVISIONS OF SECTION 400.00 OF THE PENAL LAW OR  
ISSUED

12 UNDER FEDERAL LAW.

13 25. "MANUFACTURER" SHALL MEAN ANY PERSON, CORPORATION,  
PARTNERSHIP,

14 FIRM, OR OTHER LEGAL ENTITY IN BUSINESS TO MANUFACTURE OR  
ASSEMBLE A

15 FIREARM, FOR SALE OR DISTRIBUTION.

16 26. "MICROSTAMP-READY" SHALL MEAN A SEMIAUTOMATIC PISTOL THAT IS

MANU-

17 FACTURED TO PRODUCE A UNIQUE ALPHA-NUMERIC OR GEOMETRIC CODE ON AT  
LEAST  
18 TWO LOCATIONS ON EACH EXPENDED CARTRIDGE CASE THAT IDENTIFIES THE  
MAKE,  
19 MODEL, AND SERIAL NUMBER OF THE PISTOL.

20 27. "SEMIAUTOMATIC PISTOL" SHALL MEAN A PISTOL CAPABLE OF  
UTILIZING A

21 PORTION OF THE ENERGY OF A FIRING CARTRIDGE TO EXTRACT THE  
FIRED

22 CARTRIDGE CASE AND AUTOMATICALLY CHAMBER THE NEXT ROUND, AND  
THAT

23 REQUIRES A SEPARATE PULL OF THE TRIGGER TO FIRE EACH SUCCESSIVE  
ROUND.

24 S 4. Subdivision 6 of section 265.10 of the penal law, as  
amended by

25 chapter 189 of the laws of 2000, is amended to read as follows:

26 6. Any person who wilfully defaces any machine-gun, large  
capacity

27 ammunition feeding device or firearm is guilty of a class D  
felony.

28 PROVIDED, HOWEVER, NO ACTION TAKEN IN AN EFFORT TO COMPLY WITH  
SECTION

29 265.38 OF THIS ARTICLE SHALL CONSTITUTE A VIOLATION OF THIS  
SUBDIVISION.

30 S 5. Subdivision 5 of section 265.15 of the penal law, as  
amended by

31 chapter 695 of the laws of 1987, is amended to read as follows:

32 5. The possession by any person of a defaced machine-gun,  
firearm,

33 rifle or shotgun is presumptive evidence that such person  
defaced the

34 same. PROVIDED, HOWEVER, NO ACTION TAKEN IN AN EFFORT TO COMPLY  
WITH

35 SECTION 265.38 OF THIS ARTICLE SHALL CONSTITUTE A VIOLATION OF  
THIS

36 SUBDIVISION.

37 S 6. The penal law is amended by adding a new section 265.38 to  
read

38 as follows:

39 S 265.38 MICROSTAMPING CAPABILITY OF SEMIAUTOMATIC PISTOLS  
REQUIRED.

40 1. EXCEPT AS PROVIDED IN SUBDIVISION TWO OF THIS SECTION,  
BEGINNING ON

41 JANUARY FIRST, TWO THOUSAND ELEVEN, A SEMIAUTOMATIC PISTOL  
SHALL BE

42 MICROSTAMP-READY IF IT IS:

43 (A) MANUFACTURED IN NEW YORK STATE;

44 (B) MANUFACTURED ON OR AFTER JANUARY FIRST, TWO THOUSAND ELEVEN  
AND

45 DELIVERED OR CAUSED TO BE DELIVERED BY ANY MANUFACTURER OR  
FIREARMS

46 DEALER TO A FIREARMS DEALER IN NEW YORK STATE; OR

47 (C) MANUFACTURED ON OR AFTER JANUARY FIRST, TWO THOUSAND ELEVEN  
AND

48 SOLD, OFFERED FOR SALE, LOANED, GIVEN, OR TRANSFERRED BY A

FIREARMS

49 DEALER IN NEW YORK STATE.

50 2. (A) A SEMIAUTOMATIC PISTOL MANUFACTURED AFTER JANUARY FIRST, TWO

51 THOUSAND ELEVEN THAT IS NOT MICROSTAMP-READY AND THAT WAS LAWFULLY

52 ACQUIRED OUTSIDE OF NEW YORK STATE BY A NON-DEALER WHO WAS NOT A RESI-

53 DENT OF NEW YORK STATE AT THE TIME OF ACQUISITION BUT WHO SUBSEQUENTLY

54 MOVED TO NEW YORK STATE MAY BE POSSESSED, SOLD, TRANSFERRED, OR GIVEN

55 AWAY. IN SUCH INSTANCE THE PISTOL SHALL BE SOLD, TRANSFERRED, OR GIVEN

A. 6468

3

1 AWAY ONLY TO A FIREARMS DEALER WHO SUBSEQUENTLY CAN ONLY SELL, TRANSFER,

2 OR GIVE AWAY SUCH PISTOL TO A FIREARMS DEALER OUTSIDE OF NEW YORK STATE.

3 (B) IF A FIREARMS DEALER LAWFULLY ACQUIRES A MICROSTAMP-READY SEMIAU-

4 TOMATIC PISTOL THAT WAS ORIGINALLY PURCHASED BY A NON-DEALER RESIDENT OF

5 NEW YORK STATE THE FIREARMS DEALER SHALL NOT SELL, OFFER FOR SALE, LOAN,

6 GIVE, OR TRANSFER THAT PISTOL IF HE OR SHE KNOWS THAT THE PISTOL HAS

7 BEEN DEFACED AS PRESCRIBED IN SUBDIVISION THREE OF THIS SECTION.

8 3. (A) EXCEPT AS PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION NO

9 PERSON SHALL INTENTIONALLY DEFACE OR ALTER A MICROSTAMP-READY SEMIAUTO-

10 MATIC PISTOL OR A PORTION OF THE PISTOL FOR THE PURPOSE OF PREVENTING

11 LAW ENFORCEMENT FROM IDENTIFYING THE UNIQUE ALPHA-NUMERIC OR GEOMETRIC

12 CODE ASSOCIATED WITH THAT PISTOL.

13 (B) REPLACING A FIRING PIN THAT HAS BEEN DAMAGED OR OTHERWISE IN NEED

14 OF REPLACEMENT FOR THE SAFE USE OF THE SEMIAUTOMATIC PISTOL OR FOR A

15 LEGITIMATE SPORTING PURPOSE SHALL NOT ALONE BE EVIDENCE THAT SOMEONE HAS

16 VIOLATED THIS SUBDIVISION.

17 4. BEGINNING JANUARY FIRST, TWO THOUSAND ELEVEN, A MANUFACTURER OR

18 FIREARMS DEALER THAT DELIVERS A SEMIAUTOMATIC PISTOL, OR CAUSES A SEMI-

19 AUTOMATIC PISTOL TO BE DELIVERED, TO A FIREARMS DEALER FOR SALE IN NEW

20 YORK STATE SHALL CERTIFY WHETHER THE PISTOL WAS MANUFACTURED ON OR AFTER

21 JANUARY FIRST, TWO THOUSAND ELEVEN AND, IF IT WAS, THAT:

22 (A) THE SEMIAUTOMATIC PISTOL WILL PRODUCE A UNIQUE ALPHA-NUMERIC CODE



23 OR A GEOMETRIC CODE ON EACH CARTRIDGE CASE THAT IDENTIFIES THE  
MAKE,  
24 MODEL, AND SERIAL NUMBER OF THE SEMIAUTOMATIC PISTOL THAT EXPENDED  
THE  
25 CARTRIDGE CASING; AND  
26 (B) THE MANUFACTURER WILL SUPPLY THE SUPERINTENDENT OF THE  
STATE  
27 POLICE WITH THE MAKE, MODEL, AND SERIAL NUMBER OF THE  
SEMIAUTOMATIC  
28 PISTOL THAT EXPENDED THE CARTRIDGE CASE, WHEN PRESENTED  
WITH AN  
29 ALPHA-NUMERIC OR GEOMETRIC CODE FROM A CARTRIDGE CASE; PROVIDED,  
THAT  
30 THE CARTRIDGE CASE WAS RECOVERED AS PART OF A LEGITIMATE LAW  
ENFORCEMENT  
31 INVESTIGATION.  
32 5. FOR PURPOSES OF SUBDIVISION ONE OF THIS SECTION, A  
SEMIAUTOMATIC  
33 PISTOL IS CAPABLE OF MICROSTAMPING AMMUNITION IF:  
34 (A) A MICROSCOPIC ARRAY OF CHARACTERS THAT IDENTIFY THE MAKE,  
MODEL  
35 AND SERIAL NUMBER OF THE SEMIAUTOMATIC PISTOL IS ETCHED INTO THE  
FIRING  
36 PIN AND THE BREECH FACE OF THE SEMIAUTOMATIC PISTOL; AND  
37 (B) WHEN AMMUNITION IS FIRED FROM THE SEMIAUTOMATIC PISTOL, THE  
CHAR-  
38 ACTERS ARE COPIED FROM THE FIRING PIN AND THE BREECH FACE  
ONTO THE  
39 CARTRIDGE CASE OF THE AMMUNITION.  
40 6. (A) ANY MANUFACTURER OR FIREARMS DEALER WHO INTENTIONALLY  
FAILS TO  
41 COMPLY WITH SUBDIVISION ONE OF THIS SECTION BY DELIVERING OR  
CAUSING TO  
42 BE DELIVERED ANY SEMIAUTOMATIC PISTOL MANUFACTURED ON OR AFTER  
JANUARY  
43 FIRST, TWO THOUSAND ELEVEN THAT IS NOT MICROSTAMP-READY;  
44 (B) ANY FIREARMS DEALER WHO INTENTIONALLY FAILS TO COMPLY WITH  
SUBDI-  
45 VISION ONE OF THIS SECTION BY SELLING ANY SEMIAUTOMATIC PISTOL  
MANUFAC-  
46 TURED ON OR AFTER JANUARY FIRST, TWO THOUSAND ELEVEN THAT IS NOT  
MICROS-  
47 TAMP-READY; OR  
48 (C) ANY PERSON WHO INTENTIONALLY FAILS TO COMPLY WITH  
SUBDIVISION  
49 THREE OF THIS SECTION BY DEFACING OR ALTERING ANY MICROSTAMP-READY  
SEMI-  
50 AUTOMATIC PISTOL THAT WAS MANUFACTURED ON OR AFTER JANUARY FIRST,  
TWO  
51 THOUSAND ELEVEN,  
52 SHALL BE SUBJECT TO A FINE OF UP TO ONE THOUSAND DOLLARS FOR  
EACH  
53 VIOLATION. IN ADDITION TO ANY FINE IMPOSED PURSUANT TO THIS  
SECTION, A  
54 TERM OF IMPRISONMENT OF UP TO ONE YEAR MAY BE IMPOSED FOR  
EACH

55 VIOLATION.

56 S 7. This act shall take effect January 1, 2011; provided, that:  
A. 6468 4

1 (a) the superintendent of the state police has received a  
written  
2 notice from a microstamp job shop that is willing to produce the  
micro-  
3 stamp structures on two internal surfaces of a semiautomatic pistol  
such  
4 that the pistol is microstamp-ready for a price of twelve  
dollars or  
5 less at a production level of one thousand firearms per a batch;  
and  
6 (b) effective immediately, the superintendent of the state  
police  
7 shall issue rules and regulations necessary for the  
implementation of  
8 this act on its effective date.